

REMARKS

The Examiner's action dated October 20, 2004, has been received, and its contents carefully noted. In addition, appreciation is expressed to Examiner Farah for his constructive assistance during the telephone conferences held with undersigned counsel on January 18, 2005. In connection with those telephone conferences, proposed amended claims 1 and 11 were submitted for the Examiner's informal consideration and the Examiner indicated that the enclosed amendments would appear to overcome the present prior art rejection.

In particular, claims 1 and 11 have been amended to set forth more clearly that which was originally intended, which was that the radiation assembly is a device that is structurally separate from the surface electrode assembly.

As was pointed out in the response filed on June 25, 2004, to which the Examiner is referred, the present invention differs from that disclosed by Shadduck in that, according to the present invention, a parameter of the electromagnetic radiation produced by a surface radiation assembly is adjusted on the basis of a measured response to a voltage applied across the electrodes of a surface electrode assembly. In clear contrast, in Shadduck, RF energy is used to monitor

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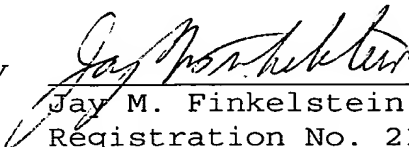
temperature and the result of this monitoring is used to vary a parameter of the same RF energy.

In addition, the rejections presented in the previous Office Action appear to have been based in part on the view that dependent claims 7 and 18 appeared to influence the interpretation of claims 1 and 11. In order to eliminate possible confusion and misinterpretation, claims 7 and 18 have been canceled.

In view of the above considerations, and the agreements reached during the telephone interviews, it is submitted that the present Application is now in allowable condition and it is therefore requested that the previous rejections be reconsidered and withdrawn, that the pending claims be allowed and that a Notice of Allowance be issued.

Respectfully submitted,

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